

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 10557 of 2007(F)

PETITIONER:

P.C.VARGHESE, DEPUTY FINANCIAL ADVISOR
(RETD), POTHANAMKANDATHIL HOUSE, SAM-ANKIT,
H.NO.45/2160-E1, GREEN GARDENS, P.O.VADUTHALA,
COCHIN 682 031.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS:

1. THE COCHIN PORT TRUST,
REPRESENTED BY ITS SECRETARY,
WILLINDON ISLAND, KOCHI 682 004.
2. THE CHAIRMAN,
COCHIN PORT TRUST,
WILLINGDON ISLAND, KOCHI 682 004.
3. THE FINANCIAL ADVISOR AND CHIEF ACCOUNTS
OFFICER, COCHIN PORT TRUST, WILLINGDON ISLAND,
KOCHI 682 004.

BY SC SHRI. A.K.JAYASANKAR NAMBIAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 10557 OF 2007 F
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Dated this the 27th March, 2007

J U D G M E N T

Heard counsel for the petitioner and Standing Counsel for the respondents.

2. The petitioner has retired from the service of the Cochin Port Trust while working as Deputy Financial Advisor (Admn.). He feels aggrieved by the decision taken by the Assistant Secretary of the respondents as per Ext. P2 informing him that he was not eligible for promotion to the post of Deputy Financial Advisor and consequential benefits including grant of increment in the lower post and fixation of pay accordingly. Counsel for the petitioner submits that the petitioner has suffered monetary loss on account of the alleged illegal stand taken by the respondents and if the benefits are granted he will be entitled for revision of terminal benefits also. Against Ext. P2 order the petitioner has filed a detailed representation before the 2nd respondent citing Rule 26 of the Fundamental Rules as well.

3. The petitioner is justified in submitting that

the 2nd respondent has got a duty to consider the grievance of the petitioner and take decision on Ext. P3.

4. In the circumstances, there shall be an order directing the 2nd respondent to consider Ext. P3 in the light of the rules as also the service bio-data of the petitioner, and take decision in accordance with law as early as possible, in any event, within two months from the date of receipt of a copy of the judgment. The order thus passed shall be communicated to the petitioner. In case the request made by the petitioner is found legitimate the monetary benefits shall be worked out accordingly and made available to him as early as possible.

The writ petition is disposed of as above.

K.K. DENESAN
JUDGE

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